

RECEIVED

IN THE DISTRICT COURT OF SANPETE COUNTY, STATE OF UTAH

* * * * *

GUNNISON FAYETTE CANAL COMPANY,
A Utah Corporation,

Plaintiff,

-vs-

GUNNISON IRRIGATION COMPANY, A Utah
Corporation, and if the following
Defendants have not been merged therein,
HIGHLAND CANAL COMPANY, INC., and
NEWFIELD CANAL COMPANY, both Utah
Corporations,

Judgment
16 65

Defendants.

ORDER TO SHOW CAUSE AND
TEMPORARY RESTRAINING ORDER

Civil No. 5444

Douglas Jorgensen

Paul S. Wilson

Upon reading the verified Complaint of Plaintiff and the Affidavit of
Randall Hendrickson, President of Gunnison-Fayette Canal Company, A Utah Cor-
poration, Plaintiff in this action, and it appearing to the satisfaction of the
Court therefrom that this is a proper case for granting a Temporary Restraining
Order, and that unless the Temporary Restraining Order prayed for in said Complaint
be granted great injury will result to the Plaintiff and its stockholders before
the matter can be heard on notice, which injury is hereinafter defined, now
therefore;

IT IS HEREBY ORDERED that the Defendants Gunnison Irrigation Company,
Highland Canal Company, Inc., and Newfield Canal Company be and appear before this
Court on Wednesday; the 28th day of July, 1965,
in the Courtroom thereof/at the hour of 10:00 O'Clock A. M. in the Courtroom
of the Sanpete County Courthouse at Monti, Utah, then and there to show cause, if
any they may have, why they, their agents, servants, employees, and officers should
not be enjoined and restrained during the pendency of this action diverting from
the Sanpitch River more than 111.54 c.f.s. of water until Plaintiff is receiving
25 c.f.s. of water from the Sanpitch River and when 25 c.f.s. of water is delivered
to Plaintiff then the Defendants shall not divert more than an additional 40 c.f.s.
of water without allowing all the residue up to 15 c.f.s. of water to flow down-
stream to the diversions of Plaintiff, Gunnison-Fayette Canal Company.

This Temporary Restraining Order is granted based upon the verified
Complaint and the Affidavit aforesaid and is granted without notice to the Defen-
dants for the reason that it appears from the representations therein contained

that the Plaintiff will suffer irreparable harm and injury unless an injunction issue immediately since if the allegations of the Plaintiff's Complaint and the supporting Affidavit are true then unless water is delivered to the Plaintiff corporation for distribution to its stockholders, they will suffer irreparable damages for which they cannot be compensated in money by reason of loss of crops and diminution of the value of their lands.

This Order further is issued upon the condition that before it shall be attested and sealed by the Court the Plaintiff shall have furnished and filed a good and sufficient bond in the sum of \$ 10,000.00, which bond will be conditioned to satisfy any damages which may be suffered by the Defendants if this Temporary Restraining Order is wrongfully sought or issued without justification.

IT IS FURTHER ORDERED that a copy of the Complaint and Affidavit of Rendell Hendrickson be served upon the Defendants not later than the 20th day of July, 1965.

This Temporary Restraining Order shall expire on the 24th day of July, 1965.

ATTESTED this 19th day of July A.D. 1965.

Douglas P. Osgood
District Judge

ATTESTED

Erona S. Nelson
By Erona S. Nelson - Deputy

This Order was issued at the hour of 7:10 o'clock A.M. on

July 19

Douglas P. Osgood
Douglas Osgood, Clerk
By Erona S. Nelson - Deputy